

Notice of Allowability

Application No.

10/720,175

Examiner

Steven R. Garland

Applicant(s)

SELIM ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed 11/25/03, 4/29/04.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 25 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4/29/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/26/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bowen on 4/26/05.

The application has been amended as follows:

Claim 9, line 2, change "the" to --a--.

Claim 12, line 2, change "the face " to -- a face --.

Claim 13, line 2, change "the face " to -- a face --.

Claim 14, line 2, change "the" to --a--.

Claim 14, line 3, change "the human " to -- a human --.

Claim 15, line 2, change "the face " to -- a face --.

Claim 16, line 5, change "the fit " to -- a fit --.

2. The following is an examiner's statement of reasons for allowance: Delache et. 6,728,589, Lamerdin et al. 5,734,095 and Budinger et al. 3,760,637 are the closest art of record.

In regards to claims 1-9, the prior art fails to teach or suggest in the claimed combination at least one deformable probe having a flow passage therein, the probe being adapted to be inserted between the two surfaces such that the flow passage is substantially blocked in a first operative position of the probe; a fluid flow meter coupled

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between the fluid flow generator and the probe; and a manometer coupled between the fluid flow generator and the probe.

In regards to claims 10-14, the prior art fails to teach or suggest in the claimed combination inserting at least one deformable probe having at least one flow passage therein between the two surfaces such that the flow passage is substantially blocked in a first operative position; measuring the fluid pressure within the probe; measuring fluid flow through the probe; and recording the fluid pressure at which the fluid flow through the probe increases beyond a baseline flow value as the contact pressure.

In regards to claims 15-21, the prior art fails to teach or suggest in the claimed combination inserting at least one deformable probe having at least one flow passage therein between the cushion of a breathable gas mask and the face such that the flow passage is substantially blocked in a first operative position, measuring the fluid pressure within the probe; measuring fluid flow through the probe; recording the fluid pressure at which the fluid flow through the probe increases beyond a baseline flow value as the contact pressure; and repeating the steps to create a contact pressure map.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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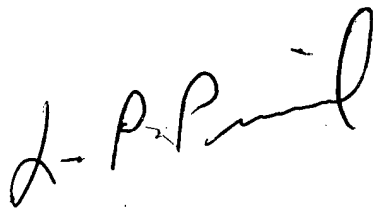
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Garland whose telephone number is 571-272-3741. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

snb
Steven R Garland
Examiner
Art Unit 2125

4/26/05



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100